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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,722	05/08/2001	Theodore F. Rabenko	2875.0970002	3641
26111 7590 10/28/2008 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
SHAND, ROBERTA A				
ART UNIT		PAPER NUMBER		
2416				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/851,722

Applicant(s)

RABENKO ET AL.

Examiner

Roberta A. Shand

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Schuster (U.S. 6954454 B1).

3. Regarding claims 1 and 11, Chen teaches (fig. 3) a communications system, comprising: a plurality of media terminal adapters (14, 16) coupled to a first telephone line (line from HPNA); a second telephone line (PSTN); an analog telephone (it is inherent in Chen's system that analog phones are connected to the PSTN) coupled to the second telephone line; and a gateway (34) coupled to the first and second telephone lines and an IP network (24), and configured to exchange voice and data packets between a network and each of the media terminal adapters over the first telephone line (line from HPNA) and the analog telephone over the second telephone line (PSTN),

4. Chen's integrated phone-based home gateway provides **routing** and bridging for networking communications and automatically initializes communications service configurations and provisions communications services. As is well known in the art, **routers** receive messages and forward them to the correct destination. Therefore Chen's system determines if the packet is voice or data in order to properly **route** it. Chen does not explicitly teach if the packet is voice the gateway further determines if the voice is destined for the analog telephone or a media

terminal adapter, if the voice packet is destined for the analog telephone, the gateway depacketizes the voice packet, generates a voice signal and transmits it to the analog telephone, if the packet is destined for the media terminal adapter the gateway reformats the packet and transmits the packet to the media terminal adapter via the first telephone line.

5. Schuster teaches (fig. 2) the gateway (150 and 140) receives a packet payload (fig. 2, voice calls, video signals) and if the packet is voice the gateway further determines if the voice is destined for the analog telephone (signaling gateway) or a media terminal adapter (IP voice), if the voice packet is destined for the analog telephone, the gateway depacketizes the voice packet, generates a voice signal and transmits it to the analog telephone, if the packet is destined for the media terminal adapter the gateway reformats the packet and transmits the packet to the media terminal adapter via the first telephone line (col. 6, lines 7– 50). It would have been obvious to one of ordinary skill in the art to adapt to Chen's system Schuster's voice to data and data to voice conversion to provide enhanced services in a central communication network.

6. Regarding claims 2 and 12, Chen teaches (paragraph 65) one of the media terminal adapters comprises a telephony device (VoIP phone).

7. Regarding claims 3 and 13, Chen teaches (paragraph 65) the telephony device is a telephone (VoIP phone).

8. Regarding claims 4 and 14, Chen teaches (fig. 3) the gateway is configured to exchange the voice and data packets between the network and the media terminal adapters by converting

between a first format for the voice and data packets on the network and a second format for the voice and data packets on the telephone line, the first and second format being different.

9. Regarding claims 5, 15 and 17, Chen teaches (fig. 3) one of the media terminal adapters comprises a telephone responsive to the voice packets having the second format.
10. Regarding claims 6 and 18-20, Schuster teaches (col. 3, lines 25-35) a voice processing engine (107) configured to convert between the voices packets having the second format and an analog voice signal in the voice band frequency.
11. Regarding claim 7, Schuster teaches (fig. 2) a telephone, and wherein one of the media terminal adapters comprises an adapter configured to exchange the voice packets on the telephone line having the second format with analog voice in a voice band frequency.
12. Regarding claim 8, Chen teaches (paragraph 136) the gateway comprises a cable modem
13. Regarding claim 9, Chen teaches (fig. 3) the gateway comprises a first port (24) coupled to the telephone line (PSTN) and a second port (24), and an additional media terminal adapter (14, 16) coupled to the second port.
14. Regarding claim 10, Chen teaches (fig. 3) a voice and data processor configured to exchange the voice and data between the network and the additional media terminal adapter.

15. Regarding claim 16, Chen teaches (fig. 3) exchanging a second plurality of voice and data packets between the network and an additional media terminal adapter.

16. Regarding claim 17, Chen teaches (fig. 3) a communication system comprising: means for receiving a packet payload from an internet protocol network (24);

17. Chen's integrated phone-based home gateway provides **routing** and bridging for networking communications and automatically initializes communications service configurations and provisions communications services. As is well known in the art, **routers** receive messages and forward them to the correct destination. Therefore Chen's system determines if the packet is voice or data in order to properly **route** it. Chen does not explicitly teach if the packet is voice the gateway further determines if the voice is destined for the analog telephone or a media terminal adapter, if the voice packet is destined for the analog telephone, the gateway depacketizes the voice packet, generates a voice signal and transmits it to the analog telephone, if the packet is destined for the media terminal adapter the gateway reformats the packet and transmits the packet to the media terminal adapter via the first telephone line.

18. Schuster teaches (fig. 2) the gateway (150 and 140) receives a packet payload (fig. 2, voice calls, video signals) and if the packet is voice the gateway further determines if the voice is destined for the analog telephone (signaling gateway) or a media terminal adapter (IP voice), if the voice packet is destined for the analog telephone, the gateway depacketizes the voice packet, generates a voice signal and transmits it to the analog telephone, if the packet is destined for the media terminal adapter the gateway reformats the packet and transmits the packet to the media

terminal adapter via the first telephone line (col. 6, lines 7– 50). It would have been obvious to one of ordinary skill in the art to adapt to Chen's system Schuster's voice to data and data to voice conversion to provide enhanced services in a central communication network.

Response to Arguments

19. Applicant's arguments filed July 7, 2008 have been fully considered but they are not persuasive. Applicant argues that the voice packet is destined for the analog telephone, the gateway depacketizes the voice packet, generates an analog voice signal, and transmits the analog voice signal via the second telephone line to the analog telephone. Applicant is directed to col. 7, lines 44-55 where it is explained that the gateway converts to analog which implies depacketizing.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A. Shand
/R. A. S./
Examiner, Art Unit 2416

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2416